



***ROANOKE CITY COUNCIL
REGULAR SESSION***

***NOVEMBER 5, 2001
12:15 P.M.***

CITY COUNCIL CHAMBER

AGENDA FOR THE COUNCIL

1. Call to Order--Roll Call.

Briefing with regard to the Civic Center Improvement Project. (45 minutes)
File #192

The City Manager was requested to report to Council at its next regular meeting on Monday, November 19, 2001, at 2:00 p.m., with a time frame for completion of architectural design; and the City Manager and City Clerk were requested to schedule a Council Financial/Planning Session in early 2002 to discuss funding sources.

A communication from the City Manager requesting a Closed Meeting to discuss acquisition of real property for a public purpose where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the City, pursuant to Section 2.2-3711(A)(3), Code of Virginia (1950), as amended.

**(Approved 7-0)
File #2-104-132**

A report of the Director of Finance requesting a Closed Meeting to discuss a personnel matter relating to the Director of Finance, pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended.

(Approved 7-0)

File #1-202-132

AT 12:23 P.M., THE MEETING WAS DECLARED IN RECESS TO BE IMMEDIATELY RECONVENED IN THE EMERGENCY OPERATIONS CENTER CONFERENCE ROOM, ROOM 159, FOR THE CIVIC CENTER IMPROVEMENT PROJECT BRIEFING.

(SEE ACTION ON PAGE 1.)

AT 1:50 P.M., THE MEETING WAS DECLARED IN RECESS TO BE RECONVENED AT 2:00 P.M., IN THE CITY COUNCIL CHAMBER.



***ROANOKE CITY COUNCIL
REGULAR SESSION***

***NOVEMBER 5, 2001
2:00 P.M.***

CITY COUNCIL CHAMBER

AGENDA FOR THE COUNCIL

1. Call to Order--Roll Call. (All present)

The Invocation was delivered by The Reverend Edward T. Burton, Pastor, Sweet Union Baptist Church.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Ralph K. Smith.

Welcome. Mayor Smith.

NOTICE:

Meetings of Roanoke City Council are televised live on RVTV Channel 3. Today's meeting will be replayed on Channel 3 on Thursday, November 8, 2001, at 7:00 p.m., and Saturday, November 10, 2001, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

ANNOUNCEMENTS:

THE PUBLIC IS ADVISED THAT MEMBERS OF COUNCIL RECEIVE THE CITY COUNCIL AGENDA AND RELATED COMMUNICATIONS, REPORTS, ORDINANCES AND RESOLUTIONS, ETC., ON THE THURSDAY PRIOR TO THE COUNCIL MEETING TO PROVIDE SUFFICIENT TIME FOR REVIEW OF INFORMATION. CITIZENS WHO ARE INTERESTED IN OBTAINING A COPY OF ANY ITEM LISTED ON THE AGENDA MAY CONTACT THE CITY CLERK'S OFFICE, ROOM 456, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., OR CALL 853-2541.

THE CITY CLERK'S OFFICE PROVIDES THE MAJORITY OF THE CITY COUNCIL AGENDA PACKAGE ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS AGENDA MATERIAL, GO TO THE CITY'S HOMEPAGE AT www.roanokegov.com, CLICK ON THE ROANOKE CITY COUNCIL ICON, CLICK ON MEETINGS AND AGENDAS, AND DOWNLOAD THE ADOBE ACROBAT SOFTWARE TO ACCESS THE AGENDA.

ALL PERSONS WISHING TO ADDRESS COUNCIL ARE REQUESTED TO REGISTER WITH THE STAFF ASSISTANT WHO IS LOCATED AT THE ENTRANCE TO THE COUNCIL CHAMBER. ON THE SAME AGENDA ITEM, ONE TO FOUR SPEAKERS WILL BE ALLOTTED FIVE MINUTES EACH, HOWEVER, IF THERE ARE MORE THAN FOUR SPEAKERS, EACH SPEAKER WILL BE ALLOTTED THREE MINUTES.

ANY PERSON WHO IS INTERESTED IN SERVING ON A CITY COUNCIL APPOINTED AUTHORITY, BOARD, COMMISSION OR COMMITTEE IS REQUESTED TO CONTACT THE CITY CLERK'S OFFICE AT 853-2541 TO OBTAIN AN APPLICATION.

2. PRESENTATIONS AND ACKNOWLEDGMENTS:

A RESOLUTION concurring in the request and approving the presentation of a portrait of the late Dr. Noel C. Taylor, former Mayor of the City of Roanoke, to his family for display in their home.

Adopted Resolution No. 35622-110501. (7-0)
File #68-80-132

A RESOLUTION memorializing the late Edward L. Lambert.

Adopted Resolution No. 35623-110501. (7-0)
File #80-367

Proclamation declaring November 11 - 17, 2001, as National Hunger and Homelessness Awareness Week.
File #3-72

3. CONSENT AGENDA

(APPROVED 7-0)

ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE MEMBERS OF CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

- C-1 Minutes of the regular meeting of City Council held on Monday, October 1, 2001, and recessed until Wednesday, October 3, 2001, which meeting was further recessed until Thursday, October 4, 2001.

RECOMMENDED ACTION: Dispense with the reading thereof and approve as recorded.

- C-2 A communication from the Honorable Ralph K. Smith, Mayor, requesting a Closed Meeting to discuss vacancies on various authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended.

RECOMMENDED ACTION: Concur in request.

File #110-132

- C-3 A communication from the Honorable Ralph K. Smith, Mayor, requesting a Closed Meeting to discuss personnel matters, specifically interviews for appointments to the Architectural Review Board and an appointment to the Board of Zoning Appeals, pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended.

RECOMMENDED ACTION: Concur in request.

File #110-132

- C-4 A communication from the City Manager recommending that a public hearing be advertised for Monday, November 19, 2001, at 7:00 p.m., or as soon thereafter as the matter may be heard, with regard to a proposal of the City of Roanoke to convey City-owned property containing 0.858 acres, identified as Official Tax No. 4010205, to the Western Virginia Foundation for the Arts and Sciences for design, development and construction of a new building or complex to house the art museum and IMAX Theatre.

RECOMMENDED ACTION: Concur in request.

File #2-32-416-427-538

- C-5 Qualification of the following persons:

Frank J. Eastburn as a member of the Roanoke Arts Commission for a term ending June 30, 2002; and

Christine Proffitt for a term ending November 30, 2003, George M. McMillan and Fredrick M. Williams for terms ending November 30, 2004, as members of the Roanoke Neighborhood Partnership Steering Committee.

RECOMMENDED ACTION: Receive and file.

File #15-110-230-488

REGULAR AGENDA

4. PUBLIC HEARINGS:

- a. Public hearing on a proposed resolution, or resolutions, approving issuance by the City of its general obligation bonds, in an amount estimated not to exceed \$1,100,000.00, for the purpose of financing certain rehabilitations, repairs and equipment in connection with Lincoln Terrace Elementary School. George J. A. Clemo, Attorney.

Withdrawn.

5. PETITIONS AND COMMUNICATIONS:

- a. A communication from Council Member William D. Bestpitch transmitting a measure providing for a salary increase for the Mayor and Members of Council, commencing July 1, 2002.

Adopted Ordinance No. 35624, on first reading, with the Mayor's salary to remain at \$18,000.00 per annum. (6-1, Council Member Hudson voted no.)

File #18-132

- b. A petition from Unified Human Services Transportation System, Inc., (RADAR) requesting exemption from taxation of real property identified as Official Tax Nos. 1311221, 2410101, and 2410301 - 2410306, inclusive, pursuant to Section 30-19.04(B), Code of Virginia (1950), as amended.

File #79-169

The matter was referred to the City Manager and the City Attorney for study, report and recommendation to Council and to schedule a public hearing.

6. REPORTS OF CITY OFFICERS:

a. CITY MANAGER:

BRIEFINGS: NONE.

ITEMS RECOMMENDED FOR ACTION:

1. A communication recommending acceptance of bids submitted by Magic City Motor Corporation, in the total amount of \$203,787.00, for three refuse cab/chassis; and Bilthuis and Associates, Inc., LLC, in the total amount of \$112,869.00, for three refuse rear loading bodies; and rejecting all other bids received by the City.

Adopted Resolution No. 35625-110501. (7-0)
File #270-472

2. A communication recommending an amendment to the contract with Robinson Pipe Cleaning Co. for removal, transportation and disposition of digested lagooned sludge from the City's Water Pollution Control Plant, for a period of one year from October 1, 2001 through September 30, 2002.

Adopted Ordinance No. 35626-110501. (7-0)
File #27-65-468

3. A communication recommending acceptance of the bid submitted by H. & S. Construction Co., in connection with the Garden City Phase 3 Drainage Project, in the amount of \$521,245.00; and transfer of funds in connection therewith.

Adopted Budget Ordinance No. 35627-110501 and
Ordinance No. 35628-110501. (7-0)
File #27-60-102-237

4. A communication recommending authorization to execute the 2001-02 Community Development Block Grant and HOME Investment Partnerships Program Agreement with the Blue Ridge Housing Development Corporation.

Adopted Resolution No. 35629-110501. (7-0)
File #178-236

5. A communication recommending acceptance of property identified as Official Tax No. 2240103 from the Western Virginia Land Trust for construction of the second phase of the Lick Run Greenway.

Adopted Ordinance No. 35630-110501. (7-0)
File #2-18-166-379-417-442

6. A communication recommending acquisition of properties located at 1224 Rorer Avenue, S. W., and 719 Dale Avenue, S. E., from the United States Department of Housing and Urban Development for community development and neighborhood revitalization.

Adopted Ordinance No. 35631-110501. (7-0)
File #2-5-32-72-178

7. A communication with regard to implementing statutory changes and reconstituting the Regional Community Criminal Justice Board.

Adopted Resolution No. 35632-110501. (7-0)
File #110

8. A communication with regard to repealing Section 21-44, Solicitations and sales, and adding a new Section 21-44.1, Aggressive Solicitation and sales; prohibited acts, Code of the City of Roanoke (1979), as amended, relating to panhandling.

Adopted Ordinance No. 35633-110501. (7-0)
File #24-328

9. A communication recommending amendments to the Fee Compendium to reflect the correct service charge to animal owners for daily boarding fees for an impounded animal; and fees charged by the Police Department for preparation of investigative reports regarding applicants for Conservator of the Peace appointments.

**Adopted Resolution Nos. 35634-110501 and 35635-110501.
(7-0)**

File #5-24-54-214-289

10. A joint report of the City Manager and the Director of Finance recommending authorization to sell \$56,245,000.00 in general obligation bonds; and to award the winning bid and affix the interest rates to be borne by said bonds.

Adopted Resolution No. 35636-110501. (7-0)

File #53-79-192-540

b. DIRECTOR OF FINANCE:

1. Financial report for the month of September 2001.

Received and filed.

File #1-10

7. REPORTS OF COMMITTEES: NONE.

8. UNFINISHED BUSINESS:

- a. A communication from the City Manager with regard to special military leave pay.

Adopted Resolution No. 35637-110501. (7-0)

File #184

- b. An ordinance authorizing the vacation of an easement on property identified as Official Tax Map Nos. 1011001, 1011002, 1011003, and 1011004 adjacent to Second Street, S. W., upon certain terms and conditions; and dispensing with the second reading by title of this ordinance.

Adopted Ordinance No. 35638-110501. (7-0)
File #28-227

9. INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:

- a. A RESOLUTION canceling the December 31, 2001 Council work session.

Adopted Resolution No. 35639-110501. (7-0)
File #132

10. MOTIONS AND MISCELLANEOUS BUSINESS:

- a. Inquiries and/or comments by the Mayor, Vice-Mayor and Members of City Council.

Vice-Mayor Carder advised that the City of Roanoke earned first place in the 75,000 - 125,000 population range in the nation's first study on digital technology in city government, the Digital Cities Survey. He explained that the survey examined how well city's are using information technology to deliver service to the citizens, as conducted by the Center for Digital Government, Government Technology Magazine. He commended the City Manager and City staff on their outstanding achievement.

File #80-175-262

Ordinance No. 35640-110501 permanently vacating, discontinuing and closing a portion of Salem Avenue, S. W., near its intersection with Second Street, was adopted.

File #227-514

- b. Vacancies on various authorities, boards, commissions and committees appointed by Council.

THE MAYOR DECLARED THE MEETING IN RECESS.

A motion was adopted to override the decision of the Chair to recess the Council Meeting for four Closed Sessions; whereupon, Council reconvened for Remarks by the City Manager and Hearing of Citizens Upon Public Matters.

11. CITY MANAGER COMMENTS:

The City Manager called attention to discussions with law enforcement personnel and the City's Homeless Assistance Task Force with regard to concerns expressed by Council and others in response to panhandling in the downtown Roanoke area.

The City Manager advised that certain members of the City staff will be in New York later this week attending meetings with three bond rating agencies with regard to the City's rating for the bond issue that was previously approved by Council pursuant to Resolution No. 35636-110501, and it is anticipated that the City will go to the bond market in early 2002.

12. HEARING OF CITIZENS UPON PUBLIC MATTERS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. IT IS A TIME FOR CITIZENS TO SPEAK AND A TIME FOR COUNCIL TO LISTEN. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR ANY NECESSARY AND APPROPRIATE RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

Ms. Helen E. Davis, 35 Patton Avenue, N. E., expressed concern with regard to the business plan for Fire/EMS as submitted by the Fire Chief. Inasmuch as there are numerous questions, she suggested that the Virginia Department of Fire Programs be requested to conduct an independent and impartial evaluation of the Roanoke City Fire/EMS business plan.

Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., addressed Council with regard to City Council's pay increase which was approved earlier in the meeting. She stated that it is unfair for Council to compare itself with City employees who are held accountable by their supervisors for their job performance. She inquired as to the procedure for citizens to follow to hold Council Members accountable for their actions, and how can Council Members be removed from office if citizens are displeased with their job performance, barring a Councilmanic election.

The meeting was declared in recess for four Closed Sessions.

CERTIFICATION OF CLOSED SESSION. (6-0)

Council Member White left the meeting during the Closed Session.

Council Member William H. Carder was appointed as a member of the Roanoke Valley-Alleghany Regional Commission to fill the unexpired term of Donald S. Caldwell, resigned, ending June 30, 2003.

Courtney A. Penn was appointed as a member of the Roanoke Arts Commission for a term ending June 30, 2003.

William D. Poe was appointed as a member of the Board of Zoning Appeals to fill the unexpired term of Willard G. Light, resigned, ending December 31, 2002.

Stuart G. Boblett, III, was appointed as a member of the Roanoke Civic Center Commission to fill the unexpired term of Edward Lambert, deceased, ending September 30, 2003.

Alison S. Blanton was reappointed and James Schlueter was appointed as members of the Architectural Review Board for terms ending October 1, 2005.